

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**IN RE:
JOSEPH E. MONTGOMERY**

**CHAPTER 13 BANKRUPTCY
CAUSE NO.: 08-03948NPO**

RESPONSE TO TRUSTEE'S MOTION TO DISMISS

COMES NOW the Debtor, by and through counsel, and files this his Response to Trustee's Motion to Dismiss and would show unto the Court that Debtor, Joseph E. Montgomery, is in arrears with his Chapter 13 Plan payments to Trustee, Hon. Harold J. Barkley. Debtor ask that the Court enter an Agreed Order to bring payments current, putting the arrears to the end of the plan payments; and moves that the Trustee's Motion to Dismiss be denied.

WHEREFORE the Debtor prays for an order dismissing the Trustee's Motion to Dismiss this Chapter 13 cause.

On this the 9th day of September, 2009.

Respectfully submitted,

/s/ DANNY SMITH
Danny Smith, M.B. #7498
Attorney for Debtor
P. O. Box 2024
McComb, MS 39649
(601) 249-3386

CERTIFICATE OF SERVICE

I, Danny Smith, do hereby certify that on this day I have mailed postage pre-paid and filed electronically, a true and correct copy of the above motion to the following at the addresses indicated:

Hon. Harold J. Barkley
P. O. Box 4476
Jackson, MS 39296

US Trustee
100 West Capital St., Ste 706
Jackson, MS 39269

DATED this the 9th day of September, 2009.

/s/ Danny Smith
Danny Smith